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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,066	01/06/2004	Noel Lee	P1560	3414

7590 08/24/2005
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EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT PAPER NUMBER

2646

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,066

Applicant(s)

LEE, NOEL

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the application filed on 6 January 2004 in which claims 1-19 are pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-19 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10/655,494. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims in the present application are covered by the scope of the claims in the patent with obvious wording variations.

Lee '494 teaches a flat panel monitor frame, comprising: a plurality of frame sections suitable for bordering a flat panel monitor, the frame sections comprising: a frame top; a frame right side extending downward from the frame top; and a frame left side extending downward

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from the frame top; at least one planar speaker residing in at least one of the frame sections; and a conductor for electrically coupling the at least one planar speaker to a source of at least one speaker signal associated with the flat panel monitor which are examples of obvious wording variations of the present applications.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyata et al (U.S. Publication No. 2005/0105747).

Regarding claims 1 and 13, Miyata teaches a flat panel monitor frame figs. 16-17, 19), comprising: a plurality of frame sections suitable for bordering a flat panel monitor, the frame sections comprising: a frame top; a frame right side extending downward from the frame top; and a frame left side extending downward from the frame top (1); at least one planar speaker (3-1, 3-3) residing in at least one of the frame sections; and inherently a conductor (paragraphs 0090-0093) for electrically coupling the at least one planar speaker to a source of at least one speaker signal associated with the flat panel monitor.

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Regarding claim 2, Miyata teaches the flat panel frame, wherein the at least one planar speaker (fig. 19; reference allows speaker placement anywhere, paragraph 0085) comprises at least one right planar speaker mounted in the frame right side and at least one left planar speaker mounted in the frame left side.

Regarding claim 5, Miyata teaches the flat panel monitor frame, wherein the at least one planar speaker (3-1, 3-3) comprises at least one electrostatic loudspeaker (ESL) (paragraphs 0086-0091).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7-9, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyata.

Regarding claims 3-4 and 6, Miyata does not teach the at least one planar speaker comprises at least one ribbon speaker, at least one quasi-ribbon speaker, or at least one distributed mode loudspeaker (DML). However, these are specific type of planar speaker made by different manufactures and used interchangeable in many applications requiring flat panel speakers for producing sound without needing a bulky electromagnetic system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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use any of the flat panel speakers listed above in the invention of Miyata for producing sound while conserving space in the invention.

Regarding claim 7, Miyata does not teach the flat panel monitor frame including removable grills over the at least one speaker. However, it is known in the art to include a removable grill over the speaker(s) to beneficially allow improved cleaning of the grill so that the speaker(s) continue to be protected and optimal sound is produced. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a removable grill over the speaker(s) of the invention of Miyata to beneficially allow improved cleaning of the grill so that the speaker(s) continue to be protected and optimal sound is produced.

Regarding claim 8, Miyata does not teach the flat panel monitor frame sections being made from extruded aluminum. However, it is known to include aluminum alloys in frame structures for reducing electromagnetic field interference. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include aluminum alloys in frame structure of Miyata for reducing electromagnetic field interference.

Regarding claims 9, 14, and 19, Miyata does not teach the flat panel monitor frame having the a planar speaker processing circuit residing on at least one frame section of the plurality of frame sections. However, it is known to position electrical circuit onto frame portion of a monitor for beneficially localizing the connectivity of electrical components and promoting system organization. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position the speaker processing circuit on at least one frame section in the invention of Miyata for beneficially localizing the connectivity of electrical

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components and promoting system organization.

Regarding claims 10, Miyata fails to teach the flat panel monitor frame including at least one conventional speaker but suggests that the flat panel monitor frame can be used in television technology (page 7 paragraph 0096). Since Miyata allows the monitor frame to be used in television technology and it is known to provide an additional conventional speaker in televisions, such as a tweeter, for providing enhanced acoustic sound. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a tweeter for enhanced acoustic sound.

Regarding claim 11, Miyata teaches the the at least one planar speaker comprises at least one right planar speaker being mounted in the frame right side (3-1, 3-3) and at least one left planar speaker being mounted in the frame left side (3-1, 3-3). Miyata fails to teaches including at least one right conventional speaker being mounted in the frame right side and at least one left conventional speaker being mounted in the frame left side, but suggests that the flat panel monitor frame can be used in television technology (page 7 paragraph 0096). Since Miyata allows the monitor frame to be used in television technology and it is known to provide additional conventional speakers in televisions, such as a tweeters, for providing enhanced acoustic sound. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pair of tweeters in the specified orientation for enhanced acoustic sound.

Regarding claim 12, Miyata teaches the at least one planar speaker comprises at least one right planar speaker (3-1, 3-3) being mounted in the frame right side and at least one left planar speaker being mounted in the frame left side (3-1, 3-3). Although Miyata does not specifically

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teach at least one planar speaker being mounted in the frame top, Miyata does not restrict the placement or quantity of planar speakers used (page 6 paragraph 0085). In addition, it is known especially in the television art to mount an additional speaker in the top of frames for improved surround sound. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an additional speaker in the frame top of the Miyata invention for improved surround sound.

Regarding claims 15-16, Miyata does not teach the flat panel monitor frame including removable replaceable wood trim. However, it is known to include removably replaceable wood trim on a flat panel monitor frame for aesthetic appeal and to fill-in between adjoining sections. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include removably replaceable wood trim on a flat panel monitor frame of Miyata for aesthetic appeal and the fill-in between adjoining sections.

Regarding claim 17, see the rejection of claims 1, 2, 7, and 15.

Regarding claim 18, see the rejection of claims 1, 12-13.

Conclusion

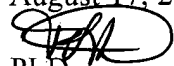
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 17, 2005


PLD


SUHAN M
PRIMARY EXAMINER